

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Danishefsky *et al.* Examiner : NYA
Serial No. : 10/728,041 Art Unit : NYA
Filed : December 3, 2003
For : CLUSTERED MULTI-ANTIGENIC CARBOHYDRATE CONSTRUCTS,
METHODS FOR THEIR PREPARATION, AND USES THEREOF

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January 9, 2004
Date

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Kenneth R. Maben

Typed or Printed Name of person signing certificate

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL

Enclosed please find the following documents regarding the above-referenced matter:

1. Form PTO-1449 (7 pages);
2. Statement Filed Pursuant to the Duty of Disclosure Under 37 CFR §§1.56, 1.97 and 1.98 (6 pages);
3. Cited Art (17 references); and
4. Return Postcard.

Please charge any fees or credit any overpayments to our Deposit Account No. 03-1721.

Respectfully submitted,

Nadège M. Lagneau, Ph.D.
Reg. No. 51,908

Dated: January 9, 2004

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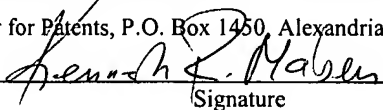
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STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant requests consideration of this Information Disclosure Statement.

Type of Statement

The present Information Disclosure Statement is:

☒ An *original* Information Disclosure Statement; or

☐ A *supplemental* Information Disclosure Statement.

Compliance with 37 CFR § 1.97

The present Information Disclosure Statement is being filed:

- ☒ Pursuant to 37 CFR § 1.97(b); no fee or certification is required:
 - ☒ Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
 - ☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;
 - ☐ Before the mailing of a first Office action on the merits; or
 - ☐ Before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.
- ☐ Pursuant to 37 CFR § 1.97(c) after the dates listed above but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *either*:
 - ☐ Certifies that *either*:
 - ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
 - ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the

knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.; or

☐ Includes herewith the fee set forth in § 1.17(p).

☐ Pursuant to 37 CFR § 1.97(d), after the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *both*:

☐ Certifies that *either*:

☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.; and

Content of the Information Disclosure Statement

Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Applicant includes copies of references as indicated below:

- ☒ A copy of each cited reference not indicated with an asterisk is included;
- ☒ Copies of references indicated with an asterisk on the attached form PTO-1449 are not included pursuant to 37 CFR § 1.98(d) because they were previously provided to the United States Patent Office in an Information Disclosure Statement that complies with 37 CFR § 1.98(a)-(c) and was submitted in the following patent application that is relied upon in the present case for an earlier effective filing date under 35 USC § 120:

Serial Number	Filing Date	Status
09/641,742	August 18, 2000	Pending
10/209,618	July 31, 2002	Pending

- ☐ Copies of English translations of one or more non-English references are included.

Applicant hereby makes the following additional information of record in the above-identified application:

Applicant certifies that the Information Disclosure Statement *either*:

- ☐ Does not contain non-English language citations;
- ☐ Does contain non-English language citations, of which the following is a concise explanation:

[] Includes one or more translations of a non-English citation.

Remarks

The submission of this Information Disclosure Statement should not be construed as a representation that a search has been made.

The submission of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b).

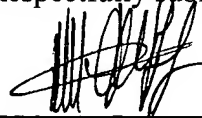
The submission of this Information Disclosure Statement shall not be construed as a representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application; and
3. The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.

Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

Respectfully submitted,



Nadège M. Lagneau, Ph.D.
Reg. No. 51,908

Dated: January 8, 2004

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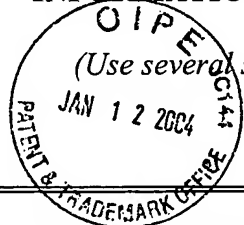
Form PTO-1449
(REV. 8-83)

U.S. Department of Commerce
Patent and Trademark Office

Atty. Docket:
2003080-0142
(SK-893-B-US)

In re Application No.
10/728,041

INFORMATION DISCLOSURE STATEMENT



(Use several sheets if necessary)

Applicant: Danishefsky *et al.*

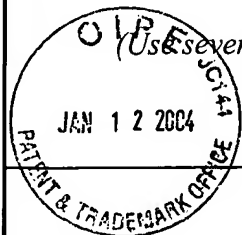
Filing Date:
December 3, 2003

Group: NYA

U. S. PATENT DOCUMENTS

Examiner's Initials	U.S. Patent No.	Applicant	Issue Date	Class	Subclass
	* 5,053,489	Kufe <i>et al.</i>	10/1/91	530	350
	* 5,212,298	Rademacher <i>et al.</i>	5/18/93	536	55.2
	* 5,229,289	Kjeldsen <i>et al.</i>	7/20/93	435	240.27
	* 5,280,113	Rademacher <i>et al.</i>	1/18/94	536	55.2
	* 5,376,531	Anderson <i>et al.</i>	12/27/94	435	240.24
	* 5,421,733	Nudelman <i>et al.</i>	6/6/95	435	105
	* 5,491,088	Hellerstrom <i>et al.</i>	2/13/96	435	240.24
	* 5,625,030	Williams <i>et al.</i>	4/29/97	528	361
	* 5,660,834	Kjeldsen <i>et al.</i>	8/26/97	424	277.1
	* 5,679,769	Danishefsky	10/21/97	530	322
	* 5,683,674	Taylor-Papadimitriou <i>et al.</i>	11/4/97	424	1.49
	* 5,747,048	Kjeldsen <i>et al.</i>	5/5/98	424	277.1
	* 5,798,090	Longnecker <i>et al.</i>	8/25/98	424	279.1
	* 5,807,559	Jondal <i>et al.</i>	9/15/98	424	278.1
	* 5,858,994	Kretzschmar <i>et al.</i>	01/12/99	514	62
	* 5,871,990	Clausen <i>et al.</i>	2/16/99	435	193

INFORMATION DISCLOSURE STATEMENT

Applicant: Danishefsky *et al.*Filing Date:
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	* 6,013,779	Wong <i>et al.</i>	1/11/00	536	18.6
	6,090,789	Danishefsky <i>et al.</i>	7/18/00	514	25
	* 6,222,020	Taylor-Papadimitriou <i>et al.</i>	4/24/01	530	395
	* 6,238,668	Danishefsky <i>et al.</i>	5/29/01	424	184.1
	US RE38,046 E	Longenecker <i>et al.</i>	3/25/03	424	279.1

U. S. PATENT APPLICATIONS

	Document No.	Applicant	Filing Date		
	* USSN 08/457,485	Taylor-Papadimitriou <i>et al.</i>	6/1/95		

U. S. PATENT PUBLICATIONS

	U.S. Publication No.	Applicant	Publication Date	Class	Subclass
	US 2002/0006900	Danishefsky <i>et al.</i>	January 17, 2002	514	8
	US 2002/0038017	Danishefsky <i>et al.</i>	March 28, 2002	536	53

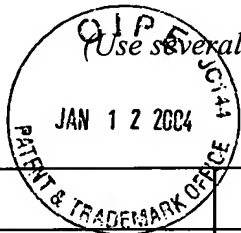
FOREIGN PATENT DOCUMENTS

Examiner's Initials	Document No.	Country	Publication Date	Translation	
				Yes	No
	* EP 341252	EP	11/19/97		
	* JP 8-319300	JP	12/3/96		X

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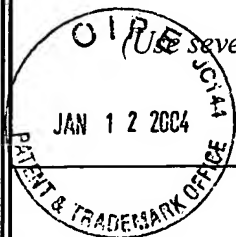


	* WO 96/34005	PCT	10/31/96		
	* WO 96/40198	PCT	12/19/96		
	* WO 98/30190	PCT	7/16/98		
	* WO 98/46246	PCT	10/22/98		
	WO 99/15201	PCT	4/1/99		
	* WO 99/48515	PCT	9/30/99		
	* WO 01/14395	PCT	03/01/01		

Examiner's
Initials**OTHER DOCUMENTS**
(Including Author, Title, Date, Pertinent Pages, *Etc.*)

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	* Allen, <i>et al.</i> , "A Second Generation Synthesis of the MBr1 (Globo-H) Breast Tumor Antigen: New Application of the N-Pentenyl Glycoside Method for Achieving Complex Carbohydrate Protein Linkages", <i>Chem. Eur. J.</i> , 6 (8): 1366-1375, 2000.
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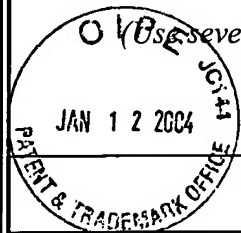
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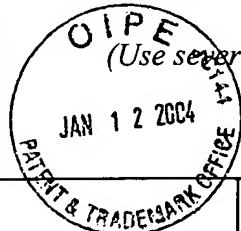
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EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

* denotes references cited in IDS'es submitted for parent applications USSN 09/083,776, filed March 25, 1998; and 10/209,618, filed July 31, 2002.